

REMARKS/ARGUMENTS

This is in response to the Office Action of April 21, 2006. In that Office Action, Claims 1-9 were rejected under 35 USC 102(b) as being anticipated by Dillon et al.

Claims 1, 10 and 11 were rejected under 35 USC 102(b) as being anticipated by Osterlind et al.

By this Amendment, independent Claim 1 has been amended. Amended Claim 1 is directed to a needle protector for use with a needle assembly that includes a flexible plastic tube attached to a needle hub and a needle mounted on the hub. The housing is elongated and defined by a pair of facing side walls. The housing includes an open distal end and an open proximal end. The open distal end has a multiple profile window adapted to slidably receive the tubing. At least one of the side walls includes a retaining member extending from the surface of the wall for retaining the hub of the needle assembly.

Applicants submit that Dillon et al. does not disclose or suggest a needle protector including a multiple profile window adapted to slidably receive the tubing. Dillon et al. discloses in Figure 2 a unitary profile opening (28). For this reason alone, Dillon et al. does not anticipate Claim 1 of the present application.

Applicants also submit that Osterlind et al. does not disclose or suggest that one of the side walls includes a retaining member adapted for contacting the hub of the needle assembly. The element (20) identified by the Examiner as a retaining member is defined by Osterlind et al. as a catheter hub. There is nothing in Osterlind et al. that

suggests the need for retaining the hub. For these reasons, Osterlind et al. does not anticipate Claim 1 of the present application.

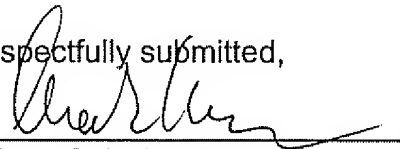
Because neither Dillon et al. nor Osterlind et al. anticipates Claim 1 of the present application, Claim 1, as amended, should be allowed.

Turning now to the needle protector assembly of Claim 11, Applicants submit that Osterlind et al. does not disclose or suggest that one of the side walls includes a retaining member adapted for contacting the hub of the needle assembly. As discussed above, the element (20) identified by the Examiner as a retaining member is defined by Osterlind et al. as a catheter hub. There is nothing in Osterlind et al. that suggests a retainer, as claimed, or the need for retaining the hub. For these reasons, Osterlind et al. does not anticipate Claim 11 of the present application. Accordingly, Claim 11 of the present application, as amended, should be allowed.

New Claims 12-29 have been added. New Claims 12-29 depend from either independent Claims 1 or 11. New Claim 12 recites a viewing slot, previously recited in Claim 1. For the reasons set forth above, Applicants submit that dependent Claims 4-10 (which depend from Claim 1) and new dependent Claims 12-29 should likewise be allowed.

Applicants submit that all of the pending Claims 1, 4-29 are now in condition for allowance. Reconsideration and allowance of such claims are respectfully requested.

Respectfully submitted,



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